

REMARKS

I. General Remarks.

Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of the claims.

II. Disposition of Claims

At the time of the Office action Claims 1-102 were pending. Claims 1-102 are subject to a restriction requirement. Claims 1-12, 18-32, 35-45, 53-59, 87 and 88 are elected in this response. Claims 13-17, 33-34, 46-52, 60-86 and 89-102 are withdrawn without prejudice from consideration.

II. Remarks Regarding Restriction Requirement

In the Office Action, the Examiner issued a restriction requirement under 35 U.S.C. § 121 between the following:

- I. Group of claims 1-32, 35-59, 62-71, 74-84 and 87-88, drawn to an apparatus and method for creating a pulsating fluid flow. The Examiner noted that this Group itself includes the following patentably distinct species:

- Species A -- Figure 3;
- Species B -- Figure 4;
- Species C -- Figures 5 and 6;
- Species D -- Figure 9; and
- Species E -- Figure 10.

- II. Group of claims 33-34, 60-61, 72-73, and 85-86, drawn to a method for cleaning using the apparatus of Group I; and

- III. Group of claims 89-102, drawn to a method of manufacture of the apparatus of Group I. The Examiner further noted that the claims in this group are directed to two different sets of patentably distinct species.

The Examiner identified the first set of patentably distinct species as:

- Species A -- where friction holds the insert and housing together;
- Species B -- where welding holds the insert and housing together;
- Species C -- where cementing holds the insert and housing together; and
- Species D -- where threading holds the insert and housing together.

The Examiner identified the second set of patentably distinct species in the third Group as:

- Species A -- casting the flowpath; and
- Species B -- milling the flowpath.

(Office Action at 2-7.) In response to this restriction requirement, Applicants elect for examination on the merits, Group I, Species A, which is covered by claims 1-12, 18-32, 35-45, 53-59, 87 and 88. This election is without traverse with respect to the grouping of the claims, but with traverse with respect to the categorization of the invention into different species. The Examiner noted that no claim is considered generic. The Applicants respectfully point out that claims 1, 7, 8, 11, 12, 20-32, 35, 40, 41, 44, 45, 55-59, 87 and 88 are generic claims with respect to Group I, Species A, B and C. Indeed, each of these claims cover each of the species identified by the Examiner. None of these claims are limited to a particular direction of the exit flow line. Applicants have withdrawn claims

13-17, 33-34, 46-52, 60-86 and 89-102 in response to the restriction requirement. Applicants reserve the right to take up prosecution on claims 13-17, 33-34, 46-52, 60-86 and 89-102 in an appropriate continuation, continuation-in-part, or divisional application or at such time that claims 1-12, 18-32, 35-45, 53-59, 87 and 88 are allowed.

SUMMARY

In light of the above remarks and arguments, Applicants respectfully submit that the application is now in condition for allowance and earnestly solicit early notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as indicated below.

Applicants believe that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for any extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition therefore, and direct that any fees be debited from Baker Botts L.L.P., Deposit Account No. 02-0383, Order Number 063718.0398.

Respectfully submitted,

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